P 770-93

G. R. S. IX-5]

Previous references. 1892-93 192 (L - R)

File No. 171-92

Serial Nos. 1610

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1610

Major Part B for December 1896

SUBJECT.

Appeal of Betuppa of Hindenkere Chikmaikannady Taluk vs. the Patels office of the said villages

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Submitted

Returned

WD 2283—GPB—20,000—14-6-20

G.R.S. III—8]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

P.770-93-94:

Submitted

Vernacular papers in Connection with the Patel's Office of the Mandamkore Village in the Chikmukanhulley Taluk of the Tumkur District, Submitted by the Deputy Commissioner with his letter No: 428 and 13.11.1895 are allowed to remain along with the Records. ~~in this Connection~~

Now ~~Cannot be done~~ is no use & retaining the same in this Office, Orders are solicited to return to the Dy Commr of Tumkur.

22/11/20 Draft docket returning the papers is put up.

15/11/20.

There must be several such cases.

15.11.20

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

A.S. no. 107 of 1892-93

Appellant — Bellappa
(Plff)

vs

Respondent. Rangey Gowda
(Defs.)

This is a suit for the recovery of the office of the Patel of Handankere in the Chikmaykanhalli Taluk.

In the Barabaluti Register of 1847, Surappa's name is entered in the column of person doing duty, and in the Register of 1864 the name of Lutchmi-narasiah alias Appanniah is shown as the person doing the duty of the Patel of Handankere, and in both Registers, the column of Haedars is left blank.

but in the Register of 1876, it is shown Apparmah alias Lutchmumarasiah as the person doing the duty, and in the ~~remarks~~ column of remarks it is stated that as Apparmah is also the Tanaboque of the village, his cousin Venkatramaiah may be ordered to perform the functions ~~of the office~~ of the Patel of the village

After the death of Venkatramiah, Gangadhariah, who was doing the duties of the Patel, as gumasta, was ordered by the Amildar of Honnally to hand over the charge of the office of Patail to Cheick Ihumme Jowda | 8th Nov 1879.

As Cheick Ihumme Jowda was not confirmed in the appointment he petetioned to the Amildar on the 14th September 1883 that order ~~might~~ confirming him in the appointment of Patail might be issued to him

The Amildar then directed the Sheikdar to report, When Cheick Ihumme Jowda was appointed Patel

and whether Cheik Thimmi Sowda had
any authority to show that he was
21-11-83. the haedar to the Patel.

On the 21st April 86 one Hutche
Sowda presented a petition to the
Deputy Commissioner stating that
he was the haedar for the Patail-
ship of Handaukere, that his
ancestors deputed the Sanabogue to
do the duty of the Patel and enjoy
the Inaam when they left Handaukere
to live in a separate village, that
Cheik Thimme Sowda who was appointed
Patail after the death of Appamah,
paid that he would give up the Patail
itself when he asked for the Inaam
and that as he heard that Cheik
Thimme Sowda had presented
petitions stating that he was the
haedari for the Patail, his
claim must be enquired into
and the Patail conferred
on him

The Deputy Commissioner
referred

referred the petition to the Amildar,
as the case regarding the hak for the
Patali of Handankere was under
enquiry in his Court. 22.4.86.

Hutche Gowda deposed before
the Amildar that he had no —,
documentary evidence to show that
he was the haedar, and that Sab,
Sabanar and others of the village
knew that his grandfather was the
Patel of the village 24.5.86.

The Amildar then reported
to the Deputy Commissioner that
as Hutche Gowda had no written
authority to show that his ancestors
were the Patails of the village and
as Chick Thimme Gowda was
discharging the duties of the Patali
satisfactorily, the Patali ought
to be confirmed on Chick Thimme Gowda 20.6.86.

The Deputy Commissioner ordered
that the people concerned must
be produced before him during
the Jamabandi time 20.6.86.

The Assistant

The Assistant Commissioner,
who held the Jamabandi of the
Taluk, after enquiring the
haedars, recommended that
the Patailship ought be confirmed
on Cheeka Thimme Gowda, as
Bettappa the adopted Son of the
deceased Appaniah was the Sanabogu
of 22 villages and as Bettappa's
brother Narasimiah has been
doing the duties of the Sanabogue
of 3 Fukas, as gumasta and as
he was also the Sanabogue of
4-1-87 some villages in the Tipture Taluk

The Deputy Commissioner, as
recommended by the Assistant
Commissioner, confirmed the
21-1-87. office on Cheeka Thimme Gowda

Cheeka Thimme Gowda died
on the 8th Dece 1888. The Amildar
then recommended to the Deputy
Commissioner

Commissioner that the deceased's
3rd son Rangey Gowda might be
appointed Patel of Handankere, as
desired by the other 3 sons of Chick
Thimme Gowda ——— 9-1-89

The Deputy Commissioner Sanctioned
the Same ——— 14-1-89.

In 1891, Bellappa son of
Appanniah alias Lutchmmaraiah
lodged a suit in the Deputy
Commissioner's Court for the recovery
of the office of Patel, as follows: ———

1. That the Plaintiff's adoptive
father Lutchmmaraiah alias
Appanniah was the hereditary for
the Patail of the village of Handankere
and did the duties of the Patel till
1879

2 That the Plaintiff was the
adopted son and heir of the
deceased Lutchmmaraiah

3 That as Plaintiff was a minor when Lutchminaraciah died, Gangadarappa was discharging the duties of the Patail as Gumasta of Plaintiff and that the Amildar of Sirsi ordered Cheik Ibrima Naik (Jowda) to take charge of the office from Gangadarappa in 1879.

4 That as Cheik Ibrima Naik was performing the duties of the Patel since that date, and as the Plaintiff was the Sarabagee of the village, the Jamabandi officer, as recommended by the Amildar, wrote to the Deputy Commissioner in 1887, to confirm the post on Cheik Ibrima Naik.

5 That as Cheik Ibrima Naik died two years ago, the Patali was conferred on his son, the Defendant

6 That After the death of Cheik Ibrima Naik either a gumasta should have been appointed during the minority of the Plaintiff or one of his relatives should have been selected and nominated

7 That the appointment of the

the Defendants father as Patail,
during the minority of the Plaintiff
and depriving the Plaintiff's share &
the Patali was illegal.

8 That the Plaintiff's father's name
was entered in the Register of 1876
in the column of person doing duty.
and that after the death of his cousin
who was nominated to look after
the duties of the Patel, the Plaintiff's
father alone did the duties of the Patel
till his death.

9 That the Plaintiff attained
his majority only two years back

The plaint was referred by the
Deputy Commissioner to the Amildar
for enquiry and report

24·7·91

The Defendant produced a
written statement before the
Amildar as follows:——

1 That Plaintiff was not the
adopted son of Lutchmanarasal
alias Appanniah.

2 That the

2 That the Plaintiff was aged 24 or 25 years, and so he attained his majority about 6 or 7 years ago and that the suit was barred by limitation.

3 That as the Plaintiffs case was once decided in 1887, (probably refers to the order of the Dy (Comr) he could not bring this suit again

4 That Lutchminaraciah alias Apparaiah was not a hereditary for the Patail of Handaukere and that he never enjoyed it

5 That the Patail was hereditary to the Defendants family and that his father was the hereditary, and enjoyed the office till his death about 2 or 3 years ago when it was conferred on him.

6 That for some reasons not known Lutchminaraciah alias Apparaiah was the Patel till 1879 when the Government, after enquiry, confirmed

performed the post on the Regal
Kaedar, the Defendants father

The Amildar framed the
following the issues in the case
1 Whether the Plaintiff or the
Defendant was the Kaedar for
the Patah in dispute
2 Whether Lutchmmaraiah
was the Patel till his death
3 How the Defendant obtained
possession of the office of the Patel
in dispute
4 Whether the Plaintiff was the
adopted son of the deceased
Lutchmmaraiah
5 Whether the plaint was Res Judicata
6 Whether the Suit was barred by
Limitation
7 Whether the Plaintiff was entitled
to the relief prayed for
The Amildars remarked on
the above points as follows: ——

As in the Registers of 1847 & 1864

do

no name is entered in the Column
of Haedars, as it was not proved
that Surappa, whose name was
entered in the Column of person
doing duty, ~~[illegible]~~ ever performed the duties
of Patel and also as it was not
proved when Lutchmanaraiah
, alias Appaniah was appointed
Patel, it might be considered that
the above names were entered in
the Register, as they were the
Hzardars for 8 years from 1845-46.
and so it could not be declared
that Appaniah was Haedar
for the Patailship

2. It might be said that Appaniah
was the Patel of the village from a
long time till his death and that
his cousin Venkatramiah was only
a nominal Patel

3 It was evident from the exhibits
produced that Defendants father

father was the Patel of the Village after
the death of Appamiah

4 That Plaintiff was the adopted
son of the deceased Appamiah was
evident from the decree of the Tumkur
District Court (Exhibit 99)

5 That the suit was not Res Judicata
as the Defendants father was appointed
Patel during the Potgi

6 Lastly As it was not established that
the Potgi was hereditary to the
family of the Plaintiff, both the
Plaintiff and the Defendant
might be considered as equal hazdars
for the office

The records submitted by the
Amildar & the Deputy Commissioner
were referred to the Probationary
Assistant Commissioner for Appeal
for disposal 5.6.92.

The Assistant Commissioner
dismissed

dismissed the suit as both the Plaintiff and the Defendant failed to establish their hereditary right to the Patak in dispute and as the Plaintiff was the Sanabogue of five pirivus and also as the present arrangement had been in existence for more than 13 years, and directed the Plaintiff to renew the suit when the post became vacant

2.8.92

Now the Plaintiff appealed to the Deputy Commissioner on the following grounds: ——

1. That the Lower Court was wrong in declaring that the Plaintiff failed to establish his right to the Patak and that the decision of the Court was against the weight of evidence and probabilities of the case..

2. The opinion expressed by the Lower Court that whenever a Patak's post fell vacant the Sanabogue of the village used to be

be the Plaint also the Guardian was appointed was groundless and did not apply to the present suit.

3 That the decision of the Lower Court that as no names were entered in the column of ~~[illegible]~~ "headers" in the Registers of 1849 and 1864 the Plaintiff's ancestors were not the headers to the post was wrong

4 That the Lower Court did not think that the orders issued during the minority of the Plaintiff. was passed ex-parte and that the written authorities should not be admitted in favour of the Defendant.

The Deputy Commissioner dismissed the appeal on the ground that the Appellant failed to prove his case and that the arrangement was in consonance with the principles enunciated in para 8 of Govt Circular

general, circular no. 5 of
1872-73, which objected to Brahmins
filling the post of Patel, and
16-11-92. Sanabogue in the same village

The appeal now is on the following
grounds: ——

That the Plaintiff has established
his claim to the office of Patel of
Handankere ——
2 That the Plaintiff has proved
that the office is hereditary to his
family and that he is handed to
the office
3 That the decisions of the Lower
Courts are opposed to the oral and
documentary evidence adduced
4 That if the Plaintiff is to
Sanabogue of the village, he is
not deprived of the claims of
office of Patel and that he is
entitled to have the duties ——
performed through a gumasta

9

5 That the Plaintiff has not
been doing the duties of the
Synagogue of Hamburg

(5)

SM No 107 of 1893

Appt
Bellappa
of Handenakere
Chikkanandibilla
Judge
Sempur Dt

Respt
Rangegowda

Appts adoptive father was doing the duties of Patail but ~~he died in June 1879~~ stood suspended in or about 1879
He ~~and~~ other appointed Respt to fill the
a stranger.
One Huchegowda claimed the office & the
appellants brother also claimed it but the Samaby
after discussing their claims on January 1887 ~~&~~
the decision was confirmed by the Asst Comr
In July 1891, appt brought a regular
suit, but in first Court dismissed it
& the decision was confirmed by the Dist Court
on the following grounds—

First. ~~All~~ There is nothing to show
that appts father was the Huskoor,
as the claim of "Huskoor" in the Regr of
1847 & 1864 was left blank, Appts
father or uncle being only shown in the Claim
of "persons actually doing duty".—

Secondly The appointment of the Respt is in

19

Conformance with the order of Govt
No 5 of 1872-73. which says that the
appointment of Brahmans to the
office of Patail is objectionable &
that when the family of the Hereditary
becomes extinct & it becomes necessary
to nominate a new Incumbent
it were the proper to select a man
of another caste.

The appeal is against these decisions —

[illegible] of 1876 [illegible] that the
appellant [illegible] allowed to appoint a
Karnam [illegible] the Venkatachalam was
confirmed

The decr. of 1876 states that ~~the~~
on the ground that appts father was
also the Shanbhog of the Village, his son-in-law
Venkatramiah was appointed as Patail.
He died in 1879 & on his death, one Gangadhar
did duties for a few months after which respt
was appointed. —

There is nothing to show that Appt has
been deprived right to the office, but as between
the heredy & the resp[illegible], there is no doubt but that
Appt is better entitled as he's family held
the office for [illegible] for a long time, ~~the~~
~~[illegible]~~ ~~[illegible]~~

the only point requires consideration is, whether the Petitioner is not barred by the Law of Limitation. since the last possession of the office so long back as 1876, when his son-in-law was appointed, but the possession of the son-in-law may be regarded as that of the petitioner's himself. Even though he is restored to office, the petitioner will not however be allowed to do the duties of Chairboy of Patrick. He may return one of the 2 offices he likes; & for the other a Gumashta whom he appointed by the Dy

as the reports and correspondence marked as Exhibits by both the Petitioner & Respondent show that after further enquiry performing the duties and emoluments as the Patel

Cost of the 21
exhibition
allowed 3/4th of
the Petrie allowance,
~~the other 1/4th is payable~~
~~to the applt.~~ as
the Dy. Cont may
consider reasonable.

2/10/19

Mrs Reserve the
Dy Cont to whom
orders have been
issued

30/11/19

The Registers of 1847-1864
show that the Village
had no secretary or
Clerk for that
former, Mr Lucke
was the Officiator - The
Letter shows that Mr
Fuchs was doing duty
from August to the
Register of 1876, Mr Fuchs
is known as the holder
of the office - He died in
1879 - Jan Gaethorn acts
as Mr Guenther till
Nov of that year when
he was made to hand
over charge to the Offi
ficer - In 1884, Mr Thorn
objected - After some
correspondence, Mr Thorn
was formally absolved
by the Dy Comr in 1887
The Book ceased in
in 1889 - During 1891 Mr
filed a suit - The
Appellate Judge
held that Mr Fuchs
had no hereditary
Clerkship & sent
the suit was for
these reasons dismissed

Mr Abbeal - Mr Councillors
(Chapman Thumberwell
and (Mentor Rasmussen)
& claimed the abbeal on
the ground that as
between the parties
the Pltf had the preferential
right. They decided
that he should not
be entitled to perform the
duties of both the
offices but that for
one of them he should
abbount a Gymnasia
The Pltf's abbeliation
for which was rejected
in May 1914 by the Council
Councillors - Hence
the present Memorial to H.M.

Neither party
a Kingdom - Pltf formerly
were in office from
some time before
1846 upto 1879 - There
was no sufficient
Ground for removing
Pltf Gymnasia in 1879
or for formally
abbolishing the office

Patten in 1887. The petn
praying not being
entitled, the abbreviat-
ment of a non Resident
in the person of
one whose ancestors
had held the office
for at least 33 years
was not a correct
proceeding - there
is thus no good ground
for review -

Ludd C.

Endorsed Petn
No grounds exist
for any reconsider
of the orders passed by Under
Sec
and Confirmed by orders

7/12/96

Record
Draft
12.12.96 HH

25

(General Serial No. 32.)

1892. 3

No. 1720

(2)

Name of Petitioner. Bettappa

L.R. 17-92
8C

Village. Kandinakanya

Taluk. Chikmaglur

District. Kadur

Date of Arzi. 10-1-93

Date of Receipt. 11-1-93.

Date of Disposal.

No. of Enclosures. Four

ABSTRACT.

Appeal against the Kadur
Dy. Commr's decision in
Revenue appeal No. 4 of
1892-93 dated 16.11.92 in
re the appellants hereditary
rights to the Patelship of the village

SDR
29/11/93

Council case -
Clause 1- add'l Rules
Stamp Official
Copy of Order produced
In time -
Proceedings to be called for
GK
ijp

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

Pet 1118 76

(3)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

L R 171-92
91-2

The accompanying Petition No. 1720/107
dated 10—1—93 received at the
Dewan's Office from Bettappa of Nandina
~~Kode~~ Kere, Chikmaikanhalli Taluk,
appealing against the D.C.'s order
d/16.11.92 in Rev. Appeal, case no 4 of 1892-93
regarding his link to the Patel
of the said village,

is forwarded, together with its four
enclosures. to the D.C., Tumkur District
for submission of Progs with a
report on the facts of the case
on the points taken in the
petition

2 The Petn shd be returned

By Order,

Draft. MR 3/3

Bangalore, 3 Feby 1893. } for Chief Secretary.

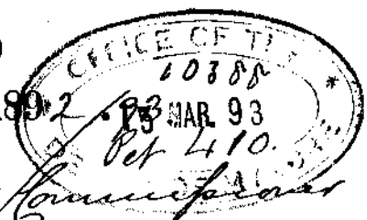
4

M. G. C. P. Bangalore.—21-11-92—3,000.

From the Dance No 743 dt 11/3/93

7

(General Serial No. 30.)



1892-93

LR 171 — From The Dy. Commissioner
823 Tumkur Dt.

To

(4)

The Chief Secretary to the ~~Dewan~~ Govt. of Mysore.

Dated 11th
Despatched 13th } March 1893.
Received

Enclosures No. 5 & Record.

General No.
No. 743.

Chief Secretary's offl: Memo:
No: Pet VIII 18 d/ the 3d March 93.

—"—

Submits the record in connection with the petition of Bettappa of Haudankere in the Chiktanayakanahalli Talúk regarding his hak to the Potelí of the said village. Returns Enclosures.

Submitted for orders.

Appellant Bettappa sought to establish his right to the Patelí of Haudankere, Chiktanayakanhalli Talúk, and record
The Probationary Asst Commr dismissed the suit holding that neither Appellant nor Respondent Rangegowda was the hereditary hakdar & that Appellant had no right superior to that of Respondent who was in possession of the office for more than 13 years. The Dy Commr agreed with the Asst Commr & added that Respts father was appointed in 1879 in accordance with the Cir. no 5 of 1872-73, which states that it is objectionable to have Brahmans (Appt is a Brahman) filling the posts of Patel & Shanbhog in the same village & that when it becomes necessary on the extinction of hakdar's line to nominate a new Murasidar, it will be quite proper to select a man of another caste for the office of Patel

The grounds of appeal and the judgments of the Dy Commr & Asst Commr are in English. The Circular quoted by the Dy Commr is printed at p. 269 of the Revenue Manual of 1886.

Post R. Case for hearing
5/6/93

Posted to 21st Sept 1893

Dpty Commr
15/3/93

Postponed
28/6

M. G. O. P. Bangalore.—27-1-93.—5,000.

Tumkur District

No: 743. Deputy Commissioner's Office

Camp Kallambella, 11th March 1893.

(4)

To,

The Chief Secretary to the
Government of Mysore

Sir,

As called for in your Offi=
=cial Memorandum No: 1118 of the
3rd instant, I have the honor to sub=
=mit herewith the record in connec=
=tion with the petition of Bettappa
of Handinakéré in the Chikkana=
=yakanahalli Talúk appealing against
the order of this Office in Revenue
Appeal Case No: 14 of 1892-93 re=
=garding his hak to the Potéli of
the said Village —.

2. The Enclosures of the Memoran=
=um are herewith returned —.

I have the honor to be,
Sir,
Your most obedient Servant

Deputy Commissioner

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 1720 R
DATE 11-1-93

29

(1)

Encl
A-3

Box
Petn No.
Mark
11/1/93

Ex 4
20-5-0 Rs
L. 26-12-93

Two Rupees stamp

Before the Government of His Highness the Maha Rajah of Mysore

A.S. No 107
92-93.

Revenue Appeal Case No
of 1893.

Appellant. Bettappah of Handemakeray in the Chickmagalur Taluq (Plaintiff)

Vs

Respondent. Rangagowdah of Handemakeray in the Chickmagalur Taluq. (Defendant.)

The Appellant abovenamed most respectfully begs to prefer this Appeal against the decision of the Deputy Commissioner of the Kadur District in Revenue Appeal Case No 4 of 1892-93 dated the 16th day of November 1892 for the

for the following reasons, namely:—

30

I. That both the Lower Courts erred in finding that the Plaintiff has failed to establish his Hakkdaree to the office of Potail of the village of Kandinakroy.

II. That the Plaintiff has satisfactorily proved that he is the Hakdar to the said office which is hereditary to the family

III. That the decisions of the Lower Courts are opposed to the oral and documentary evidence adduced in the case, and they are also against the probabilities of the case;

IV. That the mere fact that the Plaintiff is also a Shanbhague of the village of which he claims the office of Potail will not deprive him of his Hakdaree to the office he claims and he is entitled to have the duties of the same performed through a gumastah from members of his family.

V. That the Appellant has not been doing the duties of the office of Shanbhague of the village of Kandinakroy.

K. S. Narasimha Iyengár

Advocate for Appellant

Bangalore
the 10th January
1893.

31

Before the Government of *His Highness* the Maharaja of Mysore.

(5)

Appeal No. 107 of 1892–93

L R 171–92
824

Appellant. Vs. Respondent.

Bettappa of Handinakere
Chikkanaikanahalli
Taluk, Tumkur District

Rangegowda

Decision dated 30th November 1893

Appellant's adoptive father was doing the duties of Patail but in November 1879 the Amildar appointed Respondent's father – a stranger. One Huchegowda claimed the office and the appellant's brother also claimed it but the Jamabandy Officer dismissed their claims in January 1887 and this decision was confirmed by the Assistant Commissioner

2 In July 1891, appellant

brought a regular suit, but the Assistant Commissioner dismissed it, and this decision was confirmed by the Deputy Commissioner on the following grounds:-

First There is nothing to show that Appellant's father was the Huckdar, as the columns of "Huckdar" in the Registers of 1847 and 1864 were left blank, Appellant's father or uncle being only shown in the column of "persons actually doing duty."

Secondly- The appointment of the Respondent is in consonance with the order of Government No 5 of 1872-73 which says that the appointment of Brahmans to the Office of Potail is objectionable and that when the family

83

family of the Huckdar becomes extinct, and it becomes necessary to nominate a new Moraedar it will be proper to select a man of another caste.

2. The appeal is against this decision.

3. The Register of 1876 shows that, on the ground that appellant's father was also the Shanbhog of the village, his son-in-law Venkatramiah was appointed as Potail. He died in 1879, and on his death, one Ganguthara did duties for a few months, after which Respondent was appointed

4. There is nothing

to show that appellant has hereditary right to the Office, but as between him and the Respondent, there is no doubt but that appellant is better entitled, as his family held the Office for a long time. The only point which requires consideration is whether the suit is not barred by the Law of Limitation, since Appellant's father lost possession of the Office so long back as 1876, when his son-in-law was appointed, but the possession of the son-in-law may be regarded as that of the appellant's father himself. ~~as the reports and corres-~~ Moreover, ~~produced marked as~~ Exhibits Y to Z and A# to B# show that appellant's

* Appellant's father

* Appellant's father

Though the son-in-law of appellant's father was nominally entered as in Patel in the Revenue still,

* Appellant's father

Sub. This portion has been added by the Joint Committee. As it is clear from these exhibits that appellant's father himself was addressing Reports and receiving orders as stated upto 1879, the

clause higher up that he took
possession of the office so long
back as 1876 only, it
is submitted, require modification
RC

father was actually
performing the duties
and recognized as the
Patel up to 1879.
Patel Government
therefore resolve to direct
that appellant be restored
to office. He should not
however be allowed
to do the duties of
Shanbhog and Potail
He may retain one of
the 2 offices he likes
and for the other a gumasta
should be appointed
by the Deputy Commissioner
and he allowed such
portion of the Potagi
allowance, as the Deputy
Commissioner may
consider reasonable

'By order'

Rd ft
S.V.
Chief Secretary

No 1025 / Pet. F. 70-93 dt 12/12/93 Copy to the Deputy Commr
Dharwar District with the
record received with his No. 743
of 11th March 1893. By Order

Chief Secretary

No. 1720 / as 107

L R 171-92

82 5

36

W 4-50 25-20-0590

26-12-93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

Nov 12 1893

(6)

Endorsement granted to Battappa of Hindimakere Hukkanikanhalli Taluk

in reply to his Petition Registered No. 1720 / as 107 dated 10-1-93 appealing against the Tumkur Deputy Commr's order in Rev: appeal case No 14 of 1892-93 regarding the Patali of Hindimakere

Petitioner is ~~informed that~~ referred to the Deputy Commissioner to whom orders have been issued

2. The enc: are returned -

11/11/93

11/11/93

"By Order"

Chief Secretary.

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.

3)

(General Serial No. 32.)

8

1894.

No. 3073.

Name of Petitioner. Range Gowda Patail of by Rao Sahib Sabhapathiah, Barrister-at-law.

Village. Handanakere.

Taluk. Chikkanayakanahalli

District. Tumkur

Date of Arzi. 9-4-94

Date of Receipt. 20-4-94

Date of Disposal.

No. of Enclosures. one

ABSTRACT.

Review application.

Prays that the judgment, rapsdm this office in R.A. Suit No. 1077/1892-93 on 16th November 1893, regarding the Patailu office of the above village, may be kindly reconsidered for the following reasons:

(1) That the present decision is prejudicial to the Service & it has inflicted great injustice & hardship on petitioner.

(2) Plaintiff Bettaswah is a Brahmin & according to rulings of Govt. Hereditary Patailu office of Patailu ought not to be given as far as possible to a Brahmin

(3)

L.R. 171-82

Appln for review

Provided after the 90 days

Stamp Sufficient

The petition which has been presented by Rao Sahib Sabhapathiah, is in English - But as on 16-6-19 June the grounds on which review is sought.

Submitted with file

16/4

Govt see no reason to re-open the case

13/5/94

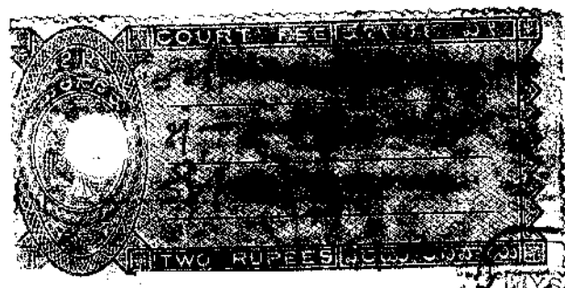
(3) Bettaffa is Shanbhog of 22 villages & has enough to do.

(4) Bettaffa has no hukdari right & why should he be entitled to nominate a Gumasta? Why should Govt. divest itself of the right to nominate to the office, & why bestow it on Bettaffa in preference to the petitioner.

(5) Petitioner is in office by virtue of his appointment by Govt. & by inheritance. Why should he be removed?

(6) The Shanbhog is already influential & high-handed & is the leader of one of the two parties in the village. His appointment to the Patailic whether to hold directly or by his Gumasta cannot be conducive to Govt. & Public interests.

23/12.



(7)

PETITION OFFICE,
PETITION DEPARTMENT.
REGD. No. 30731
20-4-94

To Lwo Rupees Stamp

His Excellency

Sir K. Sheshadri Iyer K.C.S.I.

The Dewan of Mysore

in Council

The humble petition of Runge Gowda Patail of Hundanakere in the Taluq of Chickanaikanahalli of the Tumkur District

Respectfully sheweth -

1. That your petitioners ancestor Thimma gowda having built a Tank and brought under cultivation a large quantity of land was put in charge of the village about

80 years ago by the then Government He worked zealously to the Satisfaction of the authorities.

2. At the time the Izara system prevailed - Subsequently it would appear the Urbanian Shanbogues seem to have taken the Izara for some years.

3. As a matter of fact, and as admitted by all the authorities, there had been no registered "Kugdar" for the office of the Patailee —

4. In the years 1847 and 1864, the Shanbogue appear to have been doing duties of the office - And the Registers clearly shew that they were so doing, without having any Kugdari right - In the village Service Register of 1876 one Lukshmanarasiah the adoptive father of Bettappah, at present the Shanbogue of the village, is entered as doing duty as patail - All these had been doing work as nominees of Government. The column under — Kugdar is left blank in every case

5. In 1879 Government found that four years Revenue had been allowed to fall in arrears. And the office of Patail and Shanbogue being in the same

Same person, apparently had been the cause of such a state of things — Hence Government removed the then incumbant and appointed your Petitioners father Chicka Thimma Raika, and directed that he should at once take charge of the office of Patail of the village which he did

6. Your Petitioner's said father collected the arrears and continued during his life time to discharge the duties of the office efficiently to the Satisfaction of the authorities —

7. In the year 1881 and Subsequently at the Kacha and Pucka Potigi arrangement time your Petitioners father was in office and was duly recognised. No objection was either taken.

8. In 1884 one Narasiah, natural brother, of Plaintiff, applied to establish his right to the office of Patail but

had turned futile and unsuccessful,
filed a Revenue suit No: 4 (1892-93) in
the Revenue court of the Probationary
Assistant Commissioner of Toonkoor.
(a) For a declaration that he was the
Hegdar for the office of the Patailu
of the village
(b) and to oust the petitioner from
the office which he is holding —
11 Both the probationary Assistant
and the Deputy Commissioner of
Tumkur held that the plaintiff
had no right at all to claim as
Hegdar and that the present
arrangement cannot and ought
not to be upset —
12. Against the concurrent finding
of the two lower courts, he the said
plaintiff appealed seeking still to
establish his right as Hegdar —
13. On the 16th of November last in R

A

to Revenue Regulations and Rules -
Suits could be brought only to establish
a ~~hereditari~~ right and not for the removal
from office of a person who is in office
by virtue of appointment by Government
in whose absolute gift the office was. -
If the latter should be considered
to be the principle on which Revenue
suits are to be filed, Suits may be brought
as regards every office under Government
16. Your Petitioners father and after
him your Petitioner have held the
office continuously without a
break during the last 15 years
and in olden days your
Petitioners ancestors had charge
of the village for many many
years. When all these are calculated,
it will really be a question whether
or not your Petitioners family had
not held the office for a greater number
of years.

17. your excellency in council will see that this is really besides the question —

18. On the ground of expediency your excellency in council will observe that the present decision is pre — judicial to the Service and it has inflicted great injustice and hardship on your Petitioner.

(a) Plaintiff Bettappah is a — Brahmin and according to rulings of Government repeatedly issued, office of Patailee ought not to be given, as far as possible to a Brahmin —

(b) Plaintiff Bettappa is Shanbogue in office of 22 villages and has enough to do —

(C) As the plaintiff Bettappa has no Hugdari right and why should he be entitled to laminate a Gumasta

Why

Why should Government divest itself of the right to nominate to the offices and why bestow it on Bettappah in preference to your Petitioner?

(d) Your Petitioner is in office by virtue of his appointment by Government and by inheritance. Why should he be removed? He has committed no fault but on the contrary has done his duties most faithfully and zealously —

(e) The Shanbogue is already

already influential and high handed and is the leader of one of the two parties in the village & his appointment to the Patailee whether to hold directly or by his Gumastha cannot be conducive to Government and Public interests.

19. Your petitioner under these circumstances submits this his Petition of Revising which he most respectfully prays may be admitted and his council heard and justice done to him. For which act of justice Petitioner Should ever pray —

Bangalore
19th April 94

Chikapattiya
Bar. at Law &
Advocate

No. 3073

23-5-94

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT.

26th May 1894.

Endorsement granted to Ranga Gowda, Patel of Handankere, Chickanayakanhalli Taluk

in reply to his Petition Registered No. 3073 dated 19th April '94 praying for ~~re~~ reconsideration of the decision of Govt regarding ~~the~~ Patel of Handankere (A.S. 107 of 1892-93).

Petitioner is informed that Government see no reason to reopen the case

The enclosures ~~are~~ is returned

19/5/94

"By Order"

Chief Secretary.

Hon. Councillor's order
15.5.94.

draft

16/5

M. G. C. P., Bangalore—6-3-94.—2000.

Refs at once
Ind C.S.
13-10-95

P.J. 70893.
16-10-95

Subd to the Rev. Secretary.
The vernacular proceedings have been returned to the Dy Commr. -
The facts appear from the judgment produced herewith & the decision of Govt and the precis in the file.

23/10 Call for the Vernacular record - O.
6/11/95

Rd - Subd with the Vern. records -
16/11

Subd 4/12

50 2

1895

C.No. 110 / 1423 (10)

Name of Petitioner, Rungay Gouda, Patel

Village, Handinakere Kusba

Taluk, Chickmaikanahally

District, Tumkur

Date of Arzi,

Date of Receipt, 16-10-95

Date of Disposal,

No. of Enclosure, 12

ABSTRACT.

Appealing against the decision of Govt, disinheriting the appellant from the Patelé of the above village -

The appeal is based on the ground that the Patelé and Shanbogue are granted to the same family against the rules of Govt

Rev. Dept.
Is there any ground for review?
(Ind) HS
2/10/95

CR 110
14.10.95

63

(10)

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
RECD. No. 1462 B.R.
DATE 16-10-95.

Colonel. J. A. Campbell

Private Secretary to

Her Highness the Maha Rani Regent

The humble Memorial of

Rungay Gouda Patail of

Nandinkeray, Kusba of

Chicknaikanahally, Taluk

in the District of Tumkur

Most respectfully sheweth;

Being dissatisfied with the unjust decision passed by the Government in these Endorsement No. 3073 dated 21st June/1894 your Memorialist begs to submit the following for the kind consideration and order of Her Highness the Maha Rane Regent

When the Izare System was in existence the Memorialist's ancestors were Izardars, built Tanks and brought extensive tracts of lands under cultivation. The then Government put the Memorialist's ancestors in charge of the Villages for collection of Revenues and up keep of the lands. ———————

The Government having satisfied with the improvement of the lands effected by the Memorialist's ancestors appointed the Memorialists fathers as Patel of the Village and thus his father and himself continued in the office upto 1893 last. When by an. order No. 107 dated 30th Nov-93 the Memorialist was unjustly deprived of the Pately office which was acquired and held by the Memorialist family

The Memorialist most respectively

respectively and humbly begs permission to narrate briefly the circumstances under which he came by the possession and how unreasonably he was thrown out of the same with a sincere hope that he will meet with justice

The grounds and consideration upon which the memorialist and his ancestors were given the said Potely Offices were

(a) That your memorialists ancestor Thimey Gouda having built tanks and brought under cultivation a large tract of land, the then Government put the memorialists ancestor in charge of the Village & Village in question. In consideration of the Memorialists ancestors having had Izara's prior to the year Tharana i'e (70 or 80 years ago) and

and services rendered by them
to the Government. — — ———

(b) At that time, i.e. before
the present Potely System was
introduced Ezara System was
in prevalance, and thus there
was neither Registry a Regis-
tration. Potely office was in
existence, and accordingly
even Shanbogs of Brahmin Caste
appear to have been doing the
duties of the Patel, and as a matter
of fact it is admitted by all
the Authorities and parties
Registers of 1847 and 1864 show that
Brahmin Shanbogs were doing the
duties & no Hakdars was appointed.

X Order In the Village service Registry of
1879 it would appear that the
father of the present shanbog of the
Village in question was doing the
duties as Patel and P. column
under Hakdar is left without any
entry.

entry. Thus it is clear that neither the Memorialist or his opponent was the successor by inheritance.

(c) In 1879 Government having found that 4 years sircars Revenue had fallen in arrears owing to the office of Patel and Shanbog being in the same person removed the then incumbent Viz: the Shanbog. Patel, appointed the Memorialists' father Chick Thimma Naik and directed that he should at once take charge of the Pately office and accordingly he was installed

(d). Memorialists father by his exertions collected the arrears of several years and discharged the duties to the entire satisfaction of the authorites till 1877 and 88. When he having died the Memorialist was appointed in succession to his father under a Sunnad dated 15th February 1889. During the time of the Memorialists' father i.e. in 1881 Narasaiah natural brother of the Memorialists opponent applied to establish

his right but the Government refused to show any concession to him as the office was entirely in the gift of the Government, and as the opponents brother was the Shanbog.

(e) In 1881 at the Kachar and Pakka Potagi the memorialist's father being found efficient & proper incombent he was duly confirmed and one objection to his confirmation was taken either by his opponent or anyone else. Thus the memorialist and his father where eventually in an undisturbed state since 1879. ———

(f) In 1891 Bettappa (memorialists opponent apparently who is in charge of 21 other villages brought a suit to establish his right in the Court of the Assistant Commissioner which was thrown out finding that he had no right for the same. And on appeal the

Deputy

Deputy Commissioner upheld the same. The memorialist begs to enclose herein authenticate copies of the decisions on the point and kind perusal of the same will at once convince the memorialists contention. —

In an appeal preferred by the Memorialists opponent on the concurrent findings of both the Lower Courts the learned Councellor holding that the opponent had no heridatary right yet he was better entitled (Copy of order is herein enclosed)

(g) The memorialist urged in his Review Petetion that the above said decision was contrary to the findings of bothe the Leower Courts fined upon Law and facts, that the opponent had not any right and was in possesion of Shanbog office of 21 villages. ——————

(h) Memorialist most humbly and respectfully begs to submit that the office was held by his family in succession in preference to that of his opponent your Memorialist has not committed any fault or offence which may perhaps result in his removal. On the other hand, the opponent is a Brahmin and accordingly to the standing Revenue orders of Government (Vide circular No 5. of 1872-93). The office of the Pately ought not to be granted nor intended to be given to a —

He is Shanbog of 24 villages as already stated and he has more than enough to do He himself is not looking after the office but he is allowed to have it discharged through a Gumasta. This is not at all allowable in the matters of offices which are solely into gift

of.

of Government unless the Hugdaro is a minor or a female

Thus it could be observed that the office does not fall under a special exception to the opponent. Such being the case the Memorialist is at a loss to understand how the Government have passed such an order above quoted which is prejudicial, unjust and contrary to the Revenue Rules. ———

Under these circumstances, the Memorialist prays that Her Highness, the Maharani Regent will graciously be pleased to send for the entire record in the matters and order his restoration to the office. The Memorialist begs to submit for kind perusal and needful reference the orders and other papers in his possession.—

Memorialist begs to remain
Most respected sir
Your most obedient servant

(sd) Ranjan Gowda Patil.

60

L.R. 171-92

827

(11)

To

The Deputy Commissioner
Tumkur District

Re: 4440/P.T. 70-93 87.11.95

Sir: Wil

I have the honor to request that the entire records relating to the appeal of Bettappa of Handenkere Chiknaikanhalli Taluk, returned with this office No 10025/P.T. 70-93 dated 19th December 1893, may be forwarded to this office at an early date, for reference in connection with an application for review presented by the Respondent Range Gowda

By order

7-11-95

Asst. Secretary

MG/11

Gen. 31.] 61

REVENUE DEPARTMENT. Gl. No. 3901 15 NOV. 95 DEWAN'S OFFICE. fol 341

From

The Deputy Commissioner
Tumkur District.

To The Revenue Secretary to the
Government of Mysore.

Dated 13 November 1895

Despatched 14th —do— (12)

Received

General No. 428
No.

Enclosure No. Records

Ref Docket no. 44440
P.J. 70-93

dated 7th November 1895.

Forwards the entire records relating to the appeal of Bettappa of Hundinkere Chickanayakana halli Taluk.

L.R. 171-92
82 S.

Note.
Enclosures of
Ref. Papers.
(1 Bundle)
returned to the Govt.
for Records, vide
a docket: on 17-11-20

GB
17/9K/20

Refer
R
15/11/95

No 428
Enc: Records

Tumkur District
Deputy Commissioner's Office
Tumkur 13 November 1895.

To.

The Revenue Secretary to the
Government of Mysore.

Sir,

As called for in your docket No: 4440 / P.J. 70-93 dated 7 November 1895 I have the honor to forward the entire records relating to the appeal of — Bettappa of Hundinkere Chickkanayakanahalli Taluk in re the office of Patel of the said Village.

I have the honor to be
Sir
Your most obedient Servant

M Narasa Rao

Offg: Deputy Commr:
Tumkur.

EV

No. 110 Ser: 12. 1423 and Ser: 4/96

62

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

LR 17/92

Dated 12th Dec 1896.

829

(13)

Endorsement granted to Patel Ranje Gowda of Kandina Kere Chickenaikanahalli Taluk Tumkur Dt. praying for a review of the order already passed by Govt. regarding his petition.

in reply to his Petition Registered No. 110/1423 dated 16th October/95

Petitioner is informed that no grounds exist for any re-consideration of the order passed under No 107 dated 2.10.93, and confirmed by order of 13.5.94. Enclosures are returned

"By Order"

For ~~Chief~~ Secretary.

Draft
19

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

63

G.R.S. 29A]

1920
~~100~~

LR 191-92
8L10

From
The chief-
Secy. to the Govt. of His Highness
The Maharaja of Mysore,
~~Genl. and Rev. Dept.~~

To
The Dy: Comr.
Dharwar

Dated
Despatched 17/11/20
Received
General No. Gg 621 Records
No.

ENCLOSURE NO.

Has the honour to forward herewith the vernacular file of correspondence noted in his no. *428 dt 13.11.1895 as they are no longer required in this office, and to request an acknowledgment

By order
15.11.20
for chief-Secy

Off
20
15/11/20

* Re. patel's office of Hondankere village, Chickmagalur taluk.

G P B—10,000—9-4-06.

DIARY 13141

Dr Dis 960/20-21
14-12-20

Office of the Deputy Commissioner,
Tumkur District,
Dated Tumkur, the 13th December 1920.

3.E.S

From,

REN & REV. Gopala Rao Sirsi, Esquire, B.A.,LL.B.
Deputy Commissioner, Tumkur District.

16 DEC 1920

To,

C.S. Parthasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of His Highness the
Maharaja of Mysore, BANGALORE.

Received 16-12-20

Sir,

I have the honour to acknowledge the receipt of vernacular file of correspondence relating to the Patell Office of Handanahere village, Chikkanayakanahalli Taluk, sent with your office No. G.9621 dated the 17th November 1920.

I have the honour to be,

Sir

Your most obedient servant,

For Deputy Commissioner, absent from Tumkur District.

PY.

Dr. Srinivasaraja

17.12.20

1920-21

From

The Deputy Commissioner,
Tumkur District.

To

The Chief Secretary to the
Government of Mysore,
BANGALORE.

Dated the 13th December 192

Despatched

Received

General No.

No.

Enclosure No.

Acknowledging the receipt of the vernacular file of correspondence re: Handanakere village Patell Office.

A No: 107 of 1892-93 the matter came on for hearing before the Honorable the council, which while holding that the said Plaintiff Bettappa had no Kudgdari right to the office but as between him and your Petitioner the former is better entitled in as much as his family held the office for a long time. And on this ground they have directed your Petitioner's removal from office to which he had been nominated by Government in succession to his late father -

14 Your Petitioner most humbly and respectfully begs to submit that there has somehow crept an error in this decision which is apparent on the face of it -

15. Plaintiff having failed to establish his Kudgdari right, his suit ought to have been simply dismissed. According to